

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

THOMAS H. KRAKAUER, on behalf
of himself and all others similarly
situated,

Plaintiff,

v.

DISH NETWORK, LLC,

Defendant.

Civil Action No. 1:14-cv-00333CCE-JEP

**PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

Plaintiff Thomas Krakauer hereby respectfully moves, under Federal Rules of Civil Procedure 23(a) and 23(b)(3), for an order certifying the following two classes:

Class 1:

All persons throughout the United States whose telephone numbers were listed on the federal Do Not Call registry for at least 30 days, but who received telemarketing calls from Satellite Systems Network, to promote the sale of Dish satellite television subscriptions from May 1, 2010 to August 1, 2011.

Class 2:

All persons throughout the United States whose telephone numbers were listed on either the defendants or Satellite Systems Network's company specific Do Not Call registries, but who received telemarketing calls by or at the direction of Satellite Systems

Network, to promote the sale of Dish satellite television subscriptions from May 1, 2010 to August 1, 2011.

Krakauer seeks appointment as class representative of the two proposed classes. Krakauer further requests that this Court appoint undersigned counsel to serve as class counsel pursuant to Federal Rule of Civil Procedure 23(g).

Krakauer moves for certification because the above-defined classes are so numerous that joinder would be impracticable, there are common questions of law or fact among the class members, his claims as proposed class representative are typical of those of the classes, and Krakauer and his counsel will fairly and adequately represent the interests of the classes. Additionally, questions of law or fact common to class members predominate over any questions affecting only individual members, and a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

This motion is based on the contemporaneously filed memorandum of law, the declarations of counsel, supporting exhibits and all other relevant pleadings, briefs, and evidence.

Respectfully submitted,

/s/ John W. Barrett

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Attorneys for Thomas H. Krakauer

Dated: March 23, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) and paper copies will be sent to those indicated as non-registered participants on March 23, 2015.

/s/ John W. Barrett

John W. Barrett – *Visiting Attorney*